UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,482	04/09/2004	Barry Steven Herman	L111US	1214

30368   7590   05/30/2007

EMC CORPORATION
6801 KOLL CENTER PARKWAY
PLEASANTON, CA 94566

EXAMINER
LOUIE, OSCAR A

ART UNIT	PAPER NUMBER
2136	

MAIL DATE	DELIVERY MODE
05/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	**Applicant(s)**
Office Action Summary	10/821,482	HERMAN, BARRY STEVEN
	Examiner	**Art Unit**	
	Oscar A. Louie	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This first non-final action is in response to the original filing of 04/09/2004. Claims 1-20 are pending and have been considered as follows.

Specification

1.   The use of the trademark "SQL ANYWHERE™" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

2.   The disclosure is objected to because of the following informalities: Page 1 of the specification under the heading, "Cross reference to related applications," contains missing U.S Patent Application No. and respective filing date. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

-      Claim 1 recites the limitation "the program" in line 3. Claim 1 is an independent claim

        that never recites "a program" prior to the reference of. There is insufficient antecedent

        basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Raith</u> (US-

5241598-A).

Claim 1:

<u>Raith</u> discloses a method of resetting a key for accessing a computer program, but does not

explicitly disclose,

-      "setting a flag to indicate that the key is to be reset"

-      "starting a process associated with the program"

- "determining, when the process has been started, whether the flag is set"

- "resetting the key to a default value based on the flag"

however, <u>Raith</u> does disclose,

- "including in a message sent from the network to the mobile station an order or a signal

    (flag) to reset the B-key" [column 30 lines 52-53];

- "Execution of the authentication algorithm in the home network" [column 17 lines 37-

    38];

- "The network may reset the B-key value in the network to the selected value immediately

    before or at the time of activating the B-key step flag, i.e., setting the bit-value equal to 1

    for example, in an order message sent to the mobile station or immediately after receiving

    from the mobile station an acknowledgement of the order message" [column 30 lines 65-

    68 & column 31 lines 1-3];

- "According to the present invention, resynchronization of the B-key used by the network

    and the mobile station may be accomplished by resetting the B-key input to AUTH in

    each of the network and the mobile station to a selected value" [column 30 lines 38-42];

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to include, "setting a flag to indicate that the key is to be reset" and

"starting a process associated with the program" and "determining, when the process has been

started, whether the flag is set" and "resetting the key to a default value based on the flag," since

flags are a typical device for tracking the determination of a change of events particularly with

processes that are loaded or that may depend on the conditions of the flag prior to execution.

Flags often have default selected starting values (i.e. 0 or 1; true or false; etc).

Claim 2:

<u>Raith</u> discloses a method of resetting a key for accessing a computer program, as in Claim 1 above, further comprising,

- "starting the process comprises requiring sufficient privileges to start the process" (i.e. "To guard against this risk, the performance of a B-key reset may be linked to the performance of bilateral authentication, i.e., to the validation of the network") [column 32 lines 4-7].

Claim 3:

<u>Raith</u> discloses a method of resetting a key for accessing a computer program, as in Claim 2 above, further comprising,

- "logging in with, sufficient privileges to start the process" (i.e. "To guard against this risk, the performance of a B-key reset may be linked to the performance of bilateral authentication, i.e., to the validation of the network") [column 32 lines 4-7].

Claim 4:

<u>Raith</u> discloses a method of resetting a key for accessing a computer program, as in Claim 2 above, further comprising,

- "the flag is an environment variable" (i.e. "The B-key reset flag may consist of any number of bits and, in the simplest case, may be no more than a single bit (1 or 0) assigned to a specific field in the message transmitted from the network to the mobile station") [column 30 lines 61-64].

Claim 5:

Raith discloses a method of resetting a key for accessing a computer program, as in Claim 4

above, further comprising,

- "resetting the key to a default value includes instructing a database system to reset the

  key" (i.e. "According to the present invention, resynchronization of the B-key used by the

  network and the mobile station may be accomplished by resetting the B-key input to

  AUTH in each of the network and the mobile station to a selected value" [column 30

  lines 38-42].

Claim 6:

Raith discloses a method of resetting a key for accessing a computer program, as in Claim 4

above, further comprising,

- "unsetting the flag" (i.e. "The B-key reset flag may consist of any number of bits and, in

  the simplest case, may be no more than a single bit (1 or 0) assigned to a specific field in

  the message transmitted from the network to the mobile station") [column 30 lines 61-

  64].

Claim 7:

Raith discloses a method of resetting a key for accessing a computer program, as in Claim 6

above, further comprising,

- "starting the process again" (i.e. "When the mobile subscriber crosses over into another

  area, the exchange associated with that area, upon receiving an identity signal from the

telephone unit, will record an indication of the mobile subscriber's presence there and

then transmit the identity signal to all of the other exchanges together with its own

identity signal, for the purpose of updating the mobile subscriber's position") [column 2

lines 59-66].

Claim 8:

Raith discloses a method of resetting a key for accessing a computer program, as in Claim 6

above, further comprising,

- "changing the key from the default value to a secure value" (i.e. "Where encryption is

  desired, a new S-key must be calculated since the previous S-key was calculated using

  the previous B-key which was out of synchronization") [column 31 lines 10-13].

Claim 9:

Raith discloses a system for resetting a key for accessing a computer program, comprising a

computer, but does not explicitly disclose,

- "determine whether a flag is set, when a process associated with the computer program is

  started"

- "reset the key to a default value, based on the flag"

however, Raith does disclose,

- "The network may reset the B-key value in the network to the selected value immediately

  before or at the time of activating the B-key step flag, i.e., setting the bit-value equal to 1

  for example, in an order message sent to the mobile station or immediately after receiving

  from the mobile station an acknowledgement of the order message" [column 30 lines 65-

  68 & column 31 lines 1-3];

- "According to the present invention, resynchronization of the B-key used by the network

   and the mobile station may be accomplished by resetting the B-key input to AUTH in

   each of the network and the mobile station to a selected value" [column 30 lines 38-42];

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to include, "determine whether a flag is set, when a process associated with

the computer program is started" and "reset the key to a default value, based on the flag," since

flags are a typical device for tracking the determination of a change of events particularly with

processes that are loaded or that may depend on the conditions of the flag prior to execution.

Flags may be used for the resynchronization of keys to a selected value (i.e. default value).

Claim 10:

Raith discloses a system for resetting a key for accessing a computer program, comprising a

computer, as in Claim 9 above further comprising,

- "configured to require administrator privileges to start the process" (i.e. "To guard

   against this risk, the performance of a B-key reset may be linked to the performance of

   bilateral authentication, i.e., to the validation of the network") [column 32 lines 4-7].

Claim 11:

Raith discloses a system for resetting a key for accessing a computer program, comprising a

computer, as in Claim 10 above further comprising,

- "the flag is an environment variable" (i.e. "The B-key reset flag may consist of any

   number of bits and, in the simplest case, may be no more than a single bit (1 or 0)

   assigned to a specific field in the message transmitted from the network to the mobile

   station") [column 30 lines 61-64].

Claim 12:

Raith discloses a system for resetting a key for accessing a computer program, comprising a

computer, as in Claim 11 above further comprising,

- "a database system configured to store the key" (i.e. "the HLR has no voice transmission,

    reception or switching facilities, but is essentially a database from and to which

    information can be read and written") [column 15 lines 7-9];

- "the system is configured to reset the key by instructing the database system to reset the

    key" (i.e. "the network can retrieve information pertaining to that particular mobile

    station, e.g., security keys, from the location or database") [column 15 line 68 & column

    16 lines 1-2].

Claim 13:

Raith discloses a system for resetting a key for accessing a computer program, comprising a

computer, as in Claim 9 above further comprising,

- "the key is associated with an administrator account for accessing the computer program"

    (i.e. "To guard against this risk, the performance of a B-key reset may be linked to the

    performance of bilateral authentication, i.e., to the validation of the network") [column 32

    lines 4-7].

Claim 14:

Raith discloses a system for resetting a key for accessing a computer program, comprising a

computer, as in Claim 9 above further comprising,

- "the computer program executes on the computer" (i.e. "an authentication algorithm

    executed in each of the mobile station and the network") [column 7 lines 62-64].

Claim 15:

Raith discloses a system for resetting a key for accessing a computer program, comprising a

computer, as in Claim 9 above further comprising,

- "the computer program executes on a second computer" (i.e. "an authentication algorithm

    executed in each of the mobile station and the network") [column 7 lines 62-64].

Claim 16:

Raith discloses a computer program product for resetting a key for accessing a computer

program, comprising a computer usable medium having machine readable code embodied

therein, but does not explicitly disclose,

- "determining whether a flag is set, when a process associated with the computer program

    is started"

- "resetting the key to a default value, based on the flag"

however, Raith does disclose,

- "The network may reset the B-key value in the network to the selected value immediately

    before or at the time of activating the B-key step flag, i.e., setting the bit-value equal to 1

    for example, in an order message sent to the mobile station or immediately after receiving

    from the mobile station an acknowledgement of the order message" [column 30 lines 65-

    68 & column 31 lines 1-3];

- "According to the present invention, resynchronization of the B-key used by the network and the mobile station may be accomplished by resetting the B-key input to AUTH in each of the network and the mobile station to a selected value" [column 30 lines 38-42];

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include, "determining whether a flag is set, when a process associated with the computer program is started" and "resetting the key to a default value, based on the flag," since flags are a typical device for tracking the determination of a change of events particularly with processes that are loaded or that may depend on the conditions of the flag prior to execution. Flags may be used for the resynchronization of keys to a selected value (i.e. default value).

Claim 17:

Raith discloses a computer program product for resetting a key for accessing a computer program, comprising a computer usable medium having machine readable code embodied therein, as in Claim 16 above, further comprising,

- "a database system configured to store the key" (i.e. "the HLR has no voice transmission, reception or switching facilities, but is essentially a database from and to which information can be read and written") [column 15 lines 7-9];

- "resetting the key includes instructing the database system to reset the key" (i.e. "the network can retrieve information pertaining to that particular mobile station, e.g., security keys, from the location or database") [column 15 line 68 & column 16 lines 1-2].

Claim 18:

Raith discloses a computer program product for resetting a key for accessing a computer program, comprising a computer usable medium having machine readable code embodied therein, as in Claim 16 above, further comprising,

- "the key is associated with an administrator account for accessing the computer program" (i.e. "To guard against this risk, the performance of a B-key reset may be linked to the performance of bilateral authentication, i.e., to the validation of the network") [column 32 lines 4-7].

Claim 19:

Raith discloses a computer program product for resetting a key for accessing a computer program, comprising a computer usable medium having machine readable code embodied therein, as in Claim 16 above, further comprising,

- "code for requiring sufficient privileges to start the process" (i.e. "To guard against this risk, the performance of a B-key reset may be linked to the performance of bilateral authentication, i.e., to the validation of the network") [column 32 lines 4-7].

Claim 20:

Raith discloses a computer program product for resetting a key for accessing a computer program, comprising a computer usable medium having machine readable code embodied therein, as in Claim 16 above, further comprising,

- "code for changing the key from the default value to a secure value" (i.e. "Where encryption is desired, a new S-key must be calculated since the previous S-key was calculated using the previous B-key which was out of synchronization") [column 31 lines 10-13].
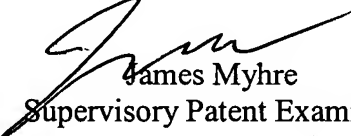
Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Oscar Louie whose telephone number is 571-270-1684. The examiner can normally be reached Monday through Thursday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre, can be reached at 571-270-1065. The fax phone number for Formal or Official faxes to Technology Center 2100 is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAL   James Myhre
05/16/2007   Supervisory Patent Examiner